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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,067	02/12/2000	Nicholas R. Dono	YO-999-567	6067
35195	7590	01/04/2005	EXAMINER	
FERENCE & ASSOCIATES 400 BROAD STREET PITTSBURGH, PA 15143			CHANG, ERIC	
		ART UNIT	PAPER NUMBER	
		2116		

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/503,067	DONO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Eric Chang	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 10 September 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1,3-6,8-23 and 25-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,3-6,8-23 and 25-31 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 1, 3-6, 8-23 and 25-31 are pending.

### ***Claim Objections***

2. Claim 8 is objected to because of the following informalities: it depends on Claim 7, which has been cancelled. Appropriate correction is required.

3. Claim 13 is objected to because of the following informalities: the term “pringer” on line 2 of the claims should read, “printer”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 3-5, 20-22 and 31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent 6,009,480 to Pleso.

6. As to claim 1, Pleso discloses a self-describing peripheral device for being integrated with a computer operating system comprising:

[a] at least one hardware component in the device [52];

[b] at least one description subsystem in the device associated with at least one hardware component [72];

[c] said subsystem facilitates integration of said device with an operating system [col. 6, lines 52-62]; and

[d] said at least one description subsystem comprising interface logic for interpreting commands received over an interface between said device and a computer operating system [82], including determining if said device is known to said operating system [col. 8, lines 12-29] and providing a network location where said information may be obtained [col. 13, lines 26-35].

7. As to claim 3, Pleso discloses the device comprises:

[a] non-volatile memory [72]; and

[b] interface logic being adapted to control said non-volatile memory [82].

8. As to claim 4, Pleso discloses the logic facilitates identification of said device [col. 6, lines 52-62].

9. As to claim 5, Pleso discloses the logic facilitates the provision of information to an operating system relating to the version of said device driver [col. 6, lines 52-62]. Pleso teaches the descriptive information contains the driver for the device; it is well known in the art that drivers usually comprise version information about themselves.

10. As to claim 20, Pleso discloses a method for integrating a self-describing peripheral device with a computer operating system, the method comprising:

- [a] providing at least one hardware component in the device [52];
- [b] providing at least one description subsystem in the device associated with at least one hardware component [72];

11. [c] adapting with said subsystem to facilitate integration of said device with an operating system [col. 6, lines 52-62] by interpreting commands received over an interface between said device and a computer operating system [82], including determining if said device is known to said operating system [col. 8, lines 12-29] and providing a network location where said information may be obtained [col. 13, lines 26-35].

12. As to claim 21, Pleso discloses the logic facilitates identification of said device [col. 6, lines 52-62].

13. As to claim 22, Pleso discloses the logic facilitates the provision of information to an operating system relating to the version of said device driver [col. 6, lines 52-62]. Pleso teaches

the descriptive information contains the driver for the device; it is well known in the art that drivers usually comprise version information about themselves.

14. As to claim 31, Pleso discloses a program of instructions stored in a program storage device comprising instructions for integrating a self-describing peripheral device with a computer operating system, the program comprising:

- [a] providing at least one hardware component in the device [52];
- [b] providing at least one description subsystem in the device associated with at least one hardware component [72];
- [c] adapting with said subsystem to facilitate integration of said device with an operating system [col. 6, lines 52-62] by interpreting commands received over an interface between said device and a computer operating system [82], including determining if said device is known to said operating system [col. 8, lines 12-29] and providing a network location where said information may be obtained [col. 13, lines 26-35].

***Claim Rejections - 35 USC § 103***

15. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

16. Claims 6, 8-19 and 23-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,009,480 to Pleso, in view of U.S. Patent 6,167,567 to Chiles et al.

17. As to claims 6, 8-12 and 23-30, Pleso teaches the limitations of the claims, including means to update the self-descriptive information in the device, and providing a network location where said information may be obtained [col. 13, lines 33-35]. However, Pleso does not teach a method of updating said information whereby the method further comprises version upgrades and error handling.

Chiles teaches the method of updating the identification information and device drivers substantially as claimed, wherein the specific limitations of the claims are described below.

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the update method as taught by Chiles. One of ordinary skill in the art would have been motivated to do so that the identification information and device drivers stored on the device as taught by Pleso can be updated.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of storing device drivers and identification. Moreover, the update means taught by Chiles would improve the flexibility of Pleso because it allowed for variations within the update process for the self-descriptive information of a device.

18. As to claims 6 and 23, Chiles discloses the logic assists an operating system in obtaining a copy of the device driver for installation [col. 3, lines 10-24].

19. As to claims 8 and 25, Chiles discloses the logic facilitates the updating of a network location where a recent version of a device driver is obtainable [col. 31, lines 32-44].

20. As to claims 9 and 26, Chiles discloses the logic facilitates the updating of the device driver information stored on the device [col. 3, lines 10-24].
21. As to claims 10, 27 and 30, Chiles further discloses logic that compares the locally stored device driver with a remotely stored device driver to determine which one is newer [col. 15, lines 61-67 and col. 16, lines 1-5] and to prompt usage of the newer version [col. 16, lines 22-24].
22. As to claims 11 and 28, Chiles further discloses logic that prompts usage of locally stored device driver if a remotely stored device driver is not accessible [col. 15, lines 1-17]. Chiles teaches that the user is notified and prompted if the connection to the remote device driver fails.
23. As to claims 12 and 29, Chiles further discloses logic that compares said locally stored device driver with a remotely stored device driver at predetermined time intervals [col. 15, lines 5-13 and col. 16, lines 32-43]. Chiles teaches that the logic automatically schedules a date for the next update to the device driver; that is, after the predetermined time interval as scheduled, the process to compare and update device drivers will once again occur.
24. As to claims 13-19, Pleso teaches the limitations of the claims but does not specifically teach the devices that can use the limitations.  
Chiles teaches that device can be a modem, graphics card, or other computer peripheral with software and firmware updates made available by its manufacturer [col. 1, lines 62-67].

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the devices as taught by Chiles. One of ordinary skill in the art would have been motivated to do so that the devices are self-descriptive.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of information stored on a non-volatile memory within a device. Moreover, the devices taught by Chiles would improve the utility of Pleso because it allowed his teachings to be applied to a variety of applications not disclosed by Pleso.

Furthermore, it would be obvious to one of ordinary skill in the art that such devices could further comprise a printer, a sound card, IDE/SCSI disk controller, or a network controller, substantially as claimed.

#### *Response to Arguments*

25. Applicant's arguments with respect to claims 1, 3-6, 8-23 and 25-31 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (571) 272-3671. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 13, 2004  
ec



REHANA PERVEEN  
PRIMARY EXAMINER